

(c) The dedication of any water rights placed in trust must be reviewed and approved by the commission, in consultation with the board and the Parks and Wildlife Department. *In addition, the Department of Agriculture may provide input to the commission, as appropriate, during the review and approval process for dedication of water rights.*

SECTION 3. Subsections (c) and (j), Section 16.012, Water Code, are amended to read as follows:

(c) In performing the duties required under Subdivisions (1), (4), (5), (6), and (7) of Subsection (b), the executive administrator shall consider advice from the Parks and Wildlife Department. *In addition, the Department of Agriculture may provide advice to the executive administrator, where appropriate, regarding any of the duties to be performed under Subsection (b).*

(j) Within 90 days of completing a water availability model for a river basin, the commission, in coordination with the Parks and Wildlife Department *and with input from the Department of Agriculture, where appropriate*, shall determine the potential impact of reusing municipal and industrial effluent on existing water rights, instream uses, and freshwater inflows to bays and estuaries. Within 30 days of making this determination, the commission shall provide the projections to the board and each regional water planning group created under Section 16.053 of this code in that river basin.

SECTION 4. Subsection (d), Section 16.051, Water Code, is amended to read as follows:

(d) The board, in coordination with the commission, *the Department of Agriculture*, and the Parks and Wildlife Department, shall adopt by rule guidance principles for the state water plan which reflect the public interest of the entire state. When adopting guidance principles, due consideration shall be given to the construction and improvement of surface water resources and the application of principles that result in voluntary redistribution of water resources. *The board shall review and update the guidance principles, with input from the commission, the Department of Agriculture, and the Parks and Wildlife Department, as necessary but at least every five years to coincide with the five-year cycle for adoption of a new water plan as described in Subsection (a).*

SECTION 5. Subsection (c), Section 16.053, Water Code, is amended to read as follows:

(c) No later than 60 days after the designation of the regions under Subsection (b) ~~[of this section]~~, the board shall designate representatives within each regional water planning area to serve as the initial coordinating body for planning. The initial coordinating body *may [shall]* then designate additional representatives to serve on the regional water planning group. *The initial coordinating body shall designate additional representatives if necessary to ensure,* ~~ensuring~~ adequate representation from the interests comprising that region, including ~~[but not limited to]~~ the public, counties, municipalities, industries, agricultural interests, environmental interests, small businesses, electric generating utilities, river authorities, water districts, and water utilities. *The regional water planning group shall maintain adequate representation from those interests. In addition, representatives of the board, the Parks and Wildlife Department, and the Department of Agriculture shall serve as ex officio members of each regional water planning group.*

SECTION 6. Subsection (a), Section 16.054, Water Code, is amended to read as follows:

(a) It is the policy of the state that water resource management, water conservation, and drought planning should occur on an ongoing basis. The board, commission, and Parks and Wildlife Department shall make available where appropriate technical and financial assistance for such planning. *In addition, the Department of Agriculture may provide input and assistance, as appropriate, for such planning.*

SECTION 7. Section 16.055, Water Code, is amended to read as follows:

Sec. 16.055. DROUGHT RESPONSE PLAN. (a) The *coordinator of the division of emergency management of the office of the governor is the state drought manager. The state drought manager is [shall be]* responsible for *managing and* coordinating the drought response component of the state water plan.

(b) The drought *preparedness council* ~~[response and monitoring committee]~~ is created and shall meet as necessary to carry out the provisions of this section. The *council* ~~[committee]~~ is

composed of one representative from each of the following entities, appointed by the administrative head of that entity:

- (1) the division of emergency management of the office of the governor;
- (2) the board;
- (3) the commission;
- (4) the Parks and Wildlife Department;
- (5) the Department of Agriculture;
- (6) the Texas Agricultural Extension Service; ~~[and]~~
- (7) the State Soil and Water Conservation Board;
- (8) *the Texas Department of Housing and Community Affairs;*
- (9) *the Texas Forest Service;*
- (10) *the Texas Department of Transportation;*
- (11) *the Texas Department of Economic Development; and*
- (12) *a representative of groundwater management interests who is appointed by the governor.*

(c) The governor may designate any other person or a representative of any other entity to serve on the *drought preparedness council* ~~[committee]~~.

(d) The *state drought manager* ~~[representative of the division of emergency management]~~ shall serve as chair of the *drought preparedness council* ~~[committee]~~.

(e) The *drought preparedness council* ~~[committee]~~ shall be responsible for:

- (1) the assessment and public reporting of drought monitoring and water supply conditions;
- (2) advising the governor on significant drought conditions;
- (3) recommending specific provisions for a defined state response to drought-related disasters for inclusion in the state emergency management plan and the state water plan;
- (4) advising the regional water planning groups on drought-related issues in the regional water plans; ~~[and]~~
- (5) ensuring effective coordination among state, local, and federal agencies in drought-response planning; *and*
- (6) *reporting to the legislature, not later than January 15 of each odd-numbered year, regarding significant drought conditions in the state.*

(f) In performing its duties under this section, the *drought preparedness council* ~~[response and monitoring committee]~~ shall consider the following factors when determining whether a drought exists for the purposes of this section:

- (1) meteorological conditions and forecasts;
- (2) hydrological conditions and forecasts;
- (3) water use and demand forecasts;
- (4) water supply conditions and forecasts;
- (5) the potential impacts of the water shortage on:
 - (A) the public health, safety, and welfare;
 - (B) economic development; and
 - (C) agricultural and natural resources; and
- (6) other factors deemed appropriate by the *council* ~~[committee]~~.

(g) *Immediately upon the declaration under Section 418.014 or 418.108, Government Code, of a state of disaster in a county due to drought conditions, the county shall:*

- (1) *publish notice of the declaration of the state of disaster in one or more newspapers having general circulation in the county; and*
- (2) *give notice of the declaration of the state of disaster to:*

(A) *the chairman of the regional water planning group in which the county is located; and*

(B) *each person or entity located in the county that is required to develop a water conservation plan under Section 11.1271 or a drought contingency plan under Section 11.1272.*

(h) *On receipt of the notice under Subsection (g)(2)(B), the person or entity shall immediately implement the person's or entity's water conservation plan or drought contingency plan.*

(i) *Nothing in this section prevents a political subdivision or a person or entity required to develop a water conservation plan under Section 11.1271 or a drought contingency plan under Section 11.1272 from implementing water conservation measures.*

SECTION 8. Subchapter C, Chapter 16, Water Code, is amended by adding Section 16.0551 to read as follows:

Sec. 16.0551. STATE DROUGHT PREPAREDNESS PLAN. (a) The drought preparedness council shall develop and implement a comprehensive state drought preparedness plan for mitigating the effects of drought in the state and shall periodically update the plan. The plan shall be separate from the state water plan.

(b) The plan shall provide for:

(1) timely and systematic data collection, analysis, and dissemination of drought-related information;

(2) an organizational structure that:

(A) assures information flow between and within levels of government;

(B) defines the duties and responsibilities of all agencies with respect to drought; and

(C) assures coordination between the state and federal governments through integration with applicable national drought policies;

(3) maintenance of an inventory of state and federal programs for assessing and responding to drought emergencies, together with updated recommendations regarding appropriate action;

(4) a mechanism to improve the timely and accurate assessment of drought impact on agriculture, industry, municipalities, wildlife, and the health of the natural resource base;

(5) provision of accurate and timely information to the media to keep the public informed of current conditions; and

(6) procedures to evaluate and revise the plan on a continuous basis to keep the plan responsive to state needs.

(c) The state drought manager shall use existing resources to develop an information and communications network to forecast and inform interested parties and the public of the potential for drought, including programs and staff of state agencies and other political subdivisions and of state institutions of higher education.

SECTION 9. Section 17.895, Water Code, is amended by adding Subsection (d) to read as follows:

(d) For purposes of this section, the board or lender districts may seek the advice of the Department of Agriculture regarding the feasibility of a project for which a conservation loan is sought.

SECTION 10. Subsection (a), Section 26.121, Water Code, is amended to read as follows:

(a) Except as authorized by the commission, no person may:

(1) discharge sewage, municipal waste, recreational waste, agricultural waste, or industrial waste into or adjacent to any water in the state;

(2) discharge other waste into or adjacent to any water in the state which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of any of the water in the state, unless the discharge complies with a person's:

(A) certified water quality management plan approved by the State Soil and Water Conservation Board as provided by Section 201.026, Agriculture Code; or

(B) water pollution and abatement plan approved by the commission; or

(3) commit any other act or engage in any other activity which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of any of the water in the state, unless the activity is under the jurisdiction of the Parks and Wildlife Department, the General Land Office, *the Department of Agriculture*, or the Railroad Commission of Texas, in which case this subdivision does not apply.

SECTION 11. Section 26.127, Water Code, is amended to read as follows:

Sec. 26.127. COMMISSION AS PRINCIPAL AUTHORITY. (a) The commission is the principal authority in the state on matters relating to the quality of the water in the state. The executive director has the responsibility for establishing a water quality sampling and monitoring program for the state. All other state agencies engaged in water quality or water pollution control activities shall coordinate those activities with the commission.

(b) *The executive director may, on behalf of and with the consent of the commission, enter into contracts or other agreements with the Department of Agriculture for purposes of obtaining laboratory services for water quality testing.*

SECTION 12. Subsection (e), Section 35.007, Water Code, is amended to read as follows:

(e) The executive director shall request a study from the executive director of the Parks and Wildlife Department for the purpose of preparing the report required by this section. *The Department of Agriculture may also provide input to the executive director for purposes of the report.* The study must:

(1) evaluate the potential effects of the designation of a priority groundwater management area on an area's natural resources; and

(2) be completed and delivered to the executive director on or before the 180th day following the date of the request. If the study is not delivered within this 180-day period, the executive director may proceed with the preparation of the report.

SECTION 13. Subsection (d), Section 35.012, Water Code, is amended to read as follows:

(d) The commission shall identify the areas subject to the order of the commission issued under Subsection (b) that have not been incorporated into a district and shall delineate proposed boundaries of a district to include those areas. If the commission proposes the creation of one or more districts, the Texas Agricultural Extension Service shall begin an educational program within such areas with the assistance and cooperation of the Texas Water Development Board, the commission, *the Department of Agriculture*, other state agencies, and existing districts to inform the residents of the status of the area's water resources and management options including possible formation of a district, before beginning the procedures for creation of a district provided in Subchapter B, Chapter 36.

SECTION 14. Subsection (d), Section 35.013, Water Code, is amended to read as follows:

(d) If the board votes to accept the addition of the priority groundwater management area to the district, the board:

(1) may request the Texas Agricultural Extension Service, the commission, and the Texas Water Development Board, *with the cooperation and assistance of the Department of Agriculture* and other state agencies, to administer an educational program to inform the residents of the status of the area's water resources and management options including possible annexation into a district;

(2) shall call an election within the priority groundwater management area as delineated by the commission to determine if the priority groundwater management area will be added to the district; and

(3) shall designate election precincts and polling places for the elections in the order calling an election under this subsection.

SECTION 15. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 4, 1999: Yeas 144, Nays 0, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 2660 on May 20, 1999: Yeas 145, Nays 0, 1 present, not voting; passed by the Senate, with amendments, on May 18, 1999: Yeas 30, Nays 0.

Approved June 18, 1999.

Effective June 18, 1999.

CHAPTER 980

H.B. No. 2663

AN ACT

relating to permitting a commissioners court to authorize payment of certain continuing education expenses incurred by elected county and precinct officers.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter Z, Chapter 152, Local Government Code, is amended by adding Section 152.907 to read as follows:

Sec. 152.907. CONTINUING EDUCATION EXPENSES FOR COUNTY AND PRECINCT OFFICERS. The commissioners court of a county may authorize payment of reasonable continuing education expenses incurred by a county or precinct officer if the expenses are related to the officer's official duties, including expenses incurred by the officer between the general election at which the officer is elected and the beginning of the officer's term of office.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 16, 1999: Yeas 136, Nays 0, 2 present, not voting; passed by the Senate on May 26, 1999: Yeas 30, Nays 0.

Approved June 18, 1999.

Effective June 18, 1999.

CHAPTER 981

H.B. No. 2667

AN ACT

relating to the regulation of industrial hygienists; providing a civil penalty.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 20, Title 132, Revised Statutes, is amended by adding Article 9034 to read as follows:

Art. 9034. INDUSTRIAL HYGIENE TITLE RECOGNITION ACT

Sec. 1. SHORT TITLE. This article may be cited as the Industrial Hygiene Title Recognition Act.

Sec. 2. PURPOSE. The purpose of this article is to provide legal recognition of the certification of industrial hygienists and to provide assurance to the public that an individual who represents that the individual is involved in industrial hygiene has met minimum qualifications that protect the public health and safety.

Sec. 3. DEFINITIONS. In this article: